

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE RESTAURANT
ASSOCIATION,

Plaintiff,

-against-

NEW YORK CITY BOARD OF HEALTH,
NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE, and
Thomas R. Frieden, In His Official Capacity
as Commissioner of the New York City
Department of Health and Mental Hygiene,

Defendants.

No. 07 Civ. 05710 (RJH)

**MOTION TO ADMIT COUNSEL PRO
HAC VICE**

S.D. OF N.Y.

2007 JUL 13 AM 10:24

FILED
U.S. DISTRICT COURT

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, ANDREW M. GSCHWIND, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Rafal Ofierski
San Francisco City Attorney's Office
1390 Market Street, 5th Floor
San Francisco, CA 94102
Telephone: (415) 554-4244
Facsimile: (415) 554-4248
rafal.ofierski@sfgov.org

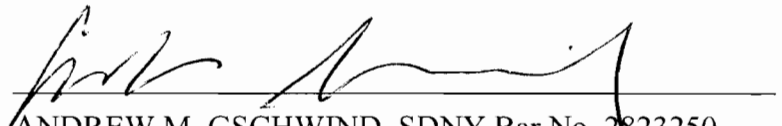
RAFAL OFIERSKI is a member in good standing of the Bar of the State of California.

There is no pending disciplinary proceeding against RAFAL OFIERSKI in any State or Federal Court.

Dated: JUNE 28, 2007

San Francisco, California

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Gschwind', is written over a horizontal line.

ANDREW M. GSCHWIND, SDNY Bar No. 2823250

San Francisco City Attorney's Office

City and County of San Francisco

1390 Market Street, 6th Floor

San Francisco, CA 94102

Telephone: (415) 554-3973

Facsimile: (415) 554-3837

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**AFFIDAVIT OF ANDREW M.
GSCHWIND IN SUPPORT OF MOTION
TO ADMIT COUNSEL PRO HAC VICE**

State of California)
)
County of San Francisco) ss:

ANDREW M. GSCHWIND, being duly sworn, hereby deposes and says as follows:

1. I am a deputy city attorney at the San Francisco City Attorney's Office, counsel for Amicus Curiae City and County of San Francisco in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Amicus Curiae's motion to admit RAFAL OFIERSKI as counsel pro hac vice to represent Amicus Curiae in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in February 1997. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Rafal Ofierski since joining the San Francisco City Attorney's Office.

4. Rafal Ofierski is a Deputy City Attorney at the San Francisco City Attorney's Office in San Francisco, California.
5. I have found Mr. Ofierski to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move for the admission of Rafal Ofierski, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Rafal Ofierski, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Rafal Ofierski, pro hac vice, to represent Amicus Curiae in the above captioned matter, be granted.

Dated: June 28, 2007

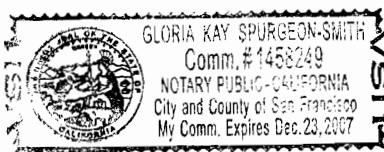
San Francisco, California

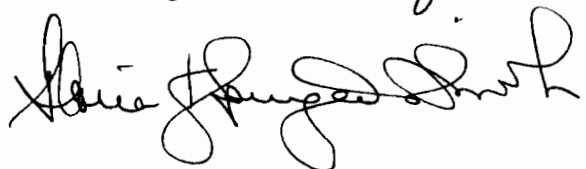
Notarized:

Respectfully submitted,


ANDREW M. GSCHWIND, SDNY Bar No. 2823250

*Subscribed and sworn to before me this 28th day
of June 2007 by Andrew M. Gschwind,
personally known to me and who appeared before me.*





UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-against-

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Thomas R. Frieden, In His Official Capacity
as Commissioner of the New York City
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Defendants.

No. 07-CIV-05710 (RJH)

**ORDER FOR ADMISSION PRO HAC
VICE ON WRITTEN MOTION**

Upon the motion of Andrew M. Gschwind, attorney for Amicus Curiae City and County of San Francisco and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Rafal Ofierski
San Francisco City Attorney's Office
1390 Market Street, 5th Floor
San Francisco, CA 94102
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Facsimile: (415) 554-4248
rafal.ofierski@sfgov.org

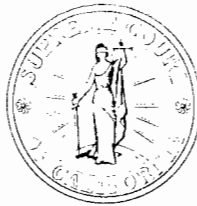
is admitted to practice pro hac vice as counsel for Amicus Curiae City and County of San Francisco in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the

Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated:

New York, New York

United States District/Magistrate Judge



Supreme Court of California

FREDERICK K. OHLRICH

Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

RAFAL OFIERSKI

I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that RAFAL OFIERSKI was on the 24th day of April 1998, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his/her name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.

*Witness my hand and the seal of the court,
this 25th day of June, 2007.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By: *R. Belmonte*

Deputy Clerk